

\*\*Original filed 8/16/06\*

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KENNETH R. CALIHAN,  
Plaintiff,

vs.

TOM KNOUBLACH, et. al.,  
Defendants.

No. C 05-2256 JF (PR)  
ORDER OF DISMISSAL

Plaintiff, proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. On March 22, 2006, the Court granted Plaintiff's motion to proceed in forma pauperis. On April 6, 2006, the Court's order was returned by mail as "undeliverable." Plaintiff has not communicated with the Court since December 2005.

The Court may, without prejudice, dismiss a complaint or strike an answer when: (1) mail directed to the attorney or the pro se party by the court has been returned to the court as not deliverable, and (2) the court fails to receive within sixty days of this return a written communication from the attorney or pro se party indicating a current address. See Civil L.R. 3-11(b); see also Carey v. King, 856 F.2d 1439, 1441 (9th Cir. 1988) (affirming dismissal with prejudice of pro se prisoner's complaint for failing to notify court of his change of address despite local rule providing that case be dismissed without

1 prejudice because any lesser sanction would impose affirmative obligation for district  
2 courts to track down pro se prisoners). Accordingly, the instant action is DISMISSED  
3 without prejudice for Plaintiff's failure to notify the Court of his current address and  
4 failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.  
5 The Clerk shall terminate any pending motions and close the file.

6 IT IS SO ORDERED.

7 DATED: \_\_\_\_ 8/16/06 \_\_\_\_

8   
JEREMY FOGEL  
United States District Judge

1 A copy of this ruling was mailed to the following:

2 Kenneth R. Calihan  
3 2004013604  
4 Contra Costa County Sheriff's Detention Facility  
5 901 Court Street  
6 Martinez, CA 94553  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28